

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	WILLIAM T. HART	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 4384	DATE	OCT. 3, 2002
CASE TITLE	JOSE BERRUM v. UNITED STATES OF AMERICA		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Joyce Beecham's motion to compel government to return property to assignee [21] is denied. Beecham is granted until November 1, 2002 to show to the government that she may lawfully possess the disputed firearms. If, by December 2, 2002, neither Beecham nor another assignee makes a showing that he or she may lawfully possess the firearms, the government may move to dispose of the firearms in a manner permitted by law.
(11)	<input checked="" type="checkbox"/>	[For further detail see attached Memorandum Opinion and Order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials cw	U.S. DISTRICT COURT CLERK 02 OCT - 3 PM 4:40	4 number of notices	Document Number 25
			OCT 4 2002 date docketed	
			<i>law</i> docketing deputy initials	
			10/3/2002 date mailed notice	
			mqm	
				mailing initials

Berrum stating that he irrevocably assigned his interests to her in consideration of \$100. However, on April 23, 2002, before any arrangements had been made to transfer the firearms, Berrum filed a pleading stating that he instead wanted to assign his interests to his wife, Delia Berrum Alvarez. Berrum also indicated that Alvarez was in the process of obtaining the necessary permits.

In a letter dated June 19, 2002, Berrum requested that the government provide the firearms to Alvarez. He stated that he had found out that Beecham could not legally possess the firearms. Berrum did not state whether Alvarez had obtained the necessary permits.

In a letter dated June 24, 2002, Beecham requested that the government transfer the firearms to a federal firearms licensee ("FFL") in Chicago, who would then transfer them to an FFL in Philadelphia, who would forward the firearms to Beecham upon her obtaining proper permits. Beecham further stated that she would pay all costs of this process. The government responded that it would not do this because of Berrum's letter withdrawing the request to assign the firearms to Beecham.

Beecham has moved to have the firearms delivered in the manner stated in her June 24 letter. She contends that Berrum's assignment was irrevocable and therefore cannot be withdrawn. There is no contention that Beecham has already obtained the necessary permits.

In its August 7, 2002 response, the government represents that it has not yet provided the firearms to either designee.¹ It also represents that neither Beecham nor Alvarez has yet shown that she may lawfully possess the firearms. The government is still willing to turn over the firearms as long as the appropriate assignee can be determined and it is shown that she may lawfully possess the firearms.

Beecham's motion will be denied because she has not made a showing that she may lawfully possess the firearms. Beecham is granted until November 1, 2002 to show the government that she may lawfully possess the firearms. If she does not do so by that date, the government may turn the firearms over to Alvarez if Alvarez shows the government that she may lawfully possess them. If neither of the proposed assignees makes such a showing by December 2, 2002, the government may move to dispose of the firearms in a manner permitted by law.

IT IS THEREFORE ORDERED that Joyce Beecham's motion to compel government to return property to assignee [21] is denied. Beecham is granted until November 1, 2002 to show to the government that she may lawfully possess the disputed firearms. If, by December 2, 2002, neither Beecham nor another assignee makes a showing that he or she may lawfully possess the firearms,

¹Copies of the motion and briefs were sent to Berrum. Berrum did not file any response.

the government may move to dispose of the firearms in a manner permitted by law.

ENTER:

William T. Hart
UNITED STATES DISTRICT JUDGE

DATED: OCTOBER

3, 2002